

APPROVED: 1

DAVID N. KELLEY  
MICHAEL J. GARCIA  
Assistant United States Attorneys

BEFORE: HONORABLE SHARON E. GRUBIN  
United States Magistrate Judge  
Southern District of New York

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v -

MOHAMED SADEEK ODEH,

Defendant.

SEALED COMPLAINT

Violation of  
Title 18, United  
States Code,  
Sections 1111, 1117,  
2332a and 2

SOUTHERN DISTRICT OF NEW YORK, ss.:

DANIEL J. COLEMAN, being duly sworn, deposes and says that he is a Special Agent of the Federal Bureau of Investigation ("FBI"), and charges as follows:

COUNTS ONE THROUGH TWELVE: MURDER

1. On or about August 7, 1998, in the special maritime and territorial jurisdiction of the United States, as that term is defined in Title 18, United States Code, Section 7(3), and outside the jurisdiction of any particular state or district, MOHAMED SADEEK ODEH, the defendant, together with others known and unknown, unlawfully, deliberately, and with malice aforethought, murdered the United States nationals identified below, as well as hundreds

of non-Americans, at the United States Embassy Compound, Nairobi, Kenya (the "Embassy").

COUNT

VICTIM

ONE	NATHAN ALIGANGA
TWO	JULIAN HARTLEY
THREE	JAY HARTLEY
FOUR	JEAN DALIZU
FIVE	MOLLY HARDY
SIX	KEN HOBSON
SEVEN	PRABHI GUPTARA KAVALIER
EIGHT	ARLENE KIRK
NINE	LOUISE MARTIN
TEN	MICHELLE O'CONNOR
ELEVEN	SHERRY OLDS
TWELVE	UTTAMLAL SHAH

(Title 18, United States Code, Sections 7(3), 1111, and 2.)

COUNT THIRTEEN: MURDER CONSPIRACY

2. From in or about 1992 through the date of the filing of this Complaint, outside the jurisdiction of any particular state or district, MOHAMED SADEEK ODEH, the defendant, together with others known and unknown, unlawfully, wilfully and knowingly combined, conspired, confederated and agreed together and with each other to commit murder, to wit, the defendant, together with other members of al Qaeda, an international terrorist organization, conspired to kill American civilians and attack American installations and facilities worldwide, in response to, and in order to influence, the foreign policy of the government of the United States, in the special maritime and territorial jurisdiction of the United States, as that term is defined in Title 18, United States Code, Section 7(3).

3. In furtherance of the conspiracy and to effect the object thereof, the defendant and others committed the following overt acts, among others:

a. On or about August 2, 1998, MOHAMED SADEEK ODEH, the defendant, together with other members of al Qaeda met in Nairobi, Kenya;

b. On or about August 4, 1998, members of al Qaeda, reconnoitered the Embassy;

c. On or about August 6, 1998, MOHAMED SADEEK ODEH, the defendant, based on instructions from al Qaeda members, left Nairobi, Kenya for Pakistan under an assumed name.

d. On or about August 7, 1998, members of al Qaeda detonated an improvised explosive device in the vicinity of the United States Embassy compound, Nairobi, Kenya;

(Title 18, United States Code, Sections 7(3) and 1117.)

COUNT FOURTEEN:

CONSPIRACY TO USE WEAPONS OF MASS DESTRUCTION

4. From in or about 1992 through the date of the filing of this Complaint, in Nairobi, Kenya and outside the jurisdiction of any particular state or district, MOHAMED SADEEK ODEH, the defendant, together with others known and unknown, unlawfully, willfully, and knowingly, and without lawful authority, combined, conspired, confederated and agreed together and with each other to use and threaten to use, weapons of mass destruction, against nationals of the United States while such nationals would be outside of the United States, and against property that is owned, leased, and used by the United States, to wit, the defendant, together with other members of al Qaeda, an international terrorist organization, conspired to use weapons of mass destruction to kill American civilians and attack American installations and facilities worldwide, in response to, and in order to influence, the foreign policy of the government of the United States.

(Title 18, United States Code, Section 2332a.)

The bases for my knowledge and the foregoing charges are as follows:

5. I have participated in the investigation of the above-captioned matter, and have spoken with other individuals, including federal agents, other law enforcement officials, and other witnesses. When I rely on statements made by others, such statements are related in part and in substance unless otherwise indicated. Moreover, because this affidavit is submitted for the limited purpose of establishing probable cause supporting the arrest of the defendant, I have not set forth each and every fact learned during the course of this investigation.

6. During the course of my investigation, I have become familiar with al Qaeda. I have learned from a variety of sources, including: persons who have been associated with al Qaeda; statements by the leader of al Qaeda, Usama Bin Laden; and documentary evidence, that al Qaeda is an international terrorist organization. The purposes of al Qaeda include, among other things: (i) killing members of the American military stationed in Saudi Arabia, Yemen, Somalia and elsewhere; and (ii) killing American civilians worldwide, in response to, and in order to influence, the foreign policy of the government of the United States.

7. I have also become familiar with various pronouncements and "fatwahs" issued by Bin Laden. For instance:

a. On or about August 23, 1996, Usama Bin Laden signed and issued a Declaration of Jihad entitled "Message from Usamah Bin-Muhammad Bin-Laden to his Muslim Brothers in the Whole World and Especially in the Arabian Peninsula: Declaration of Jihad Against the Americans Occupying the Land of the Two Holy Mosques; Expel the Heretics from the Arabian Peninsula" from the Hindu Kush mountains in Afghanistan. The Declaration included statements that efforts should be pooled to kill Americans and encouraged other persons to join the jihad against the American "enemy."

b. In or about February 1998, Usama Bin Laden issued a joint declaration with the Islamic Group (also known as "Gamaa't"), Al Jihad, the Jihad Movement in Bangladesh and the "Jamaat ul Ulema e Pakistan" under the banner of the "World Islamic Front," which stated that Muslims should kill Americans -- including civilians -- anywhere in the world where they can be found.

8. On August 7, 1998, at approximately 10:30 a.m. local time, massive explosions occurred in the vicinity of the United States Embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania. To date, the casualties include: 258 persons killed, among them were 12 United States nationals, in Nairobi; and at least 15 persons killed in Dar es Salaam. In addition, each Embassy compound sustained extensive damage.

9. I have reviewed statements made by MOHAMED RASHED DAOUD AL-'OWHALI, a/k/a "Khalid Salim Saleh Bin Rashed," who has stated in sum and substance that the bombing of the Embassy in Nairobi was planned and carried out by members of al Qaeda as part of al Qaeda's overall terrorist mission.

10. On or about August 16, 1998, MOHAMED SADEEK ODEH ("ODEH"), the defendant, was taken into custody by Kenyan authorities and subsequently was advised of his Miranda rights by Agents of the FBI. The defendant waived his rights and agreed to answer questions. Thereafter, the defendant admitted in substance that he was an active member of al Qaeda, that he believed that the Embassy bombings were carried out by al Qaeda, and that, as a member of al Qaeda, ODEH accepted responsibility for the bombings. Specifically, among other things, ODEH stated that:

a. He was trained in a number of camps affiliated with al Qaeda, an international terrorist group, led by Usama Bin Laden, dedicated to opposing non-Islamic governments with force and violence. ODEH stated that at the camps he was trained in explosives, and further, that his training in explosives was extensive enough for him to have carried out the bombings of the Embassies in Dar es Salaam and Nairobi.

b. In or about 1992, ODEH joined al Qaeda and agreed to follow the orders of the emir (prince) of al Qaeda -- who ODEH knew to be Usama Bin Laden -- as long as the orders did not violate Islamic law. ODEH remained a member of al Qaeda through at least on or about August 7, 1998, and has never left the organization.

c. In or about 1993, as part of his duties with al Qaeda, ODEH trained Islamic fighters in Somalia who were opposed to the United Nations forces in Somalia.

d. In or about 1994, ODEH moved to Mombassa, Kenya, and set up a fishing business with al Qaeda money which was used to support al Qaeda members in Kenya. While in Kenya, ODEH was visited by top commanders of al Qaeda.

e. In Mombassa, Kenya, in or about 1996, an individual associated with al Qaeda displayed TNT and detonators to ODEH. The individual said that he had obtained this material in Tanzania.

f. ODEH further stated that he was aware of the fatwah -- or decree -- issued by Usama Bin Laden in 1996, which declared war or jihad against the American military, as well as a subsequent fatwah by Bin Laden, and interviews of Bin Laden by journalists, in which Bin Laden made statements against America.

g. ODEH stated that on or about August 1, 1998, he was advised that all members of al Qaeda had to leave Kenya by Thursday, August 6, 1998.

h. ODEH further stated that, on or about August 2, 1998, he travelled to Nairobi, Kenya, where he met members and associates of al Qaeda, including an individual known to ODEH as the leader of the Kenya cell of al Qaeda. ODEH also knew this individual to be an explosives expert. ODEH, who was using a false passport, stayed with the other al Qaeda members at the Hilltop Hotel in Kenya.

i. ODEH stated that, while at the hotel, he was provided by another al Qaeda member with a new pair of pants, and a razor to shave with. ODEH stated that al Qaeda members often shave before travelling so as not to attract the suspicions of customs officials. ODEH further stated that, on or about August 5, 1998, in preparation to travel to meet Usama Bin Laden after August 6, 1998, ODEH used the razor to shave.

j. ODEH stated that he was told by other al Qaeda members before leaving Kenya that the al Qaeda members in Afghanistan were relocating in order to avoid retaliation from the United States. ODEH stated that it was his understanding that one al Qaeda member was remaining in Kenya when the others left on


August 6, 1998.

k. ODEH also stated hypothetically that he would consider doing a violent bombing against Americans in Saudi Arabia or Tanzania if asked to do so by Usama Bin Laden, but claimed that he would not participate in such an endeavor on Kenyan soil and had not actually participated in the recent bombings.


l. ODEH also stated that the fellow al Qaeda members with whom he was staying did not tell him what they were doing, but that ODEH accepted responsibility for the bombings because he was part of the group (al Qaeda) that did them.

11. During the course of his interview, ODEH also stated that he had never been to Dar es Salaam, Tanzania, or anywhere else in Tanzania. However, two witnesses who are familiar with ODEH have advised Agents of the FBI that within the last year ODEH told each of the confidential witnesses that ODEH had been to Dar es Salaam for several months.

WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant MOHAMED SADEEK ODEH, and that he be imprisoned or bailed as the case may be.

  
\_\_\_\_\_  
DANIEL J. COLEMAN  
Special Agent,  
Federal Bureau of Investigation

Sworn to before me this  
26th day of August, 1998

  
\_\_\_\_\_  
UNITED STATES MAGISTRATE JUDGE

SHARON E. GRUBIN  
United States Magistrate Judge  
Southern District of New York